CITY OF MILPITAS 455 E. CALAVERAS BOULEVARD MILPITAS, CA 95035

City Clerk's Office MAR 2 7 2007 RECEIVED

ENTERTAINMENT EVENT PERMIT (Per Chapter 5, Title III, Milpitas Municipal Code)

1.	Applicant, all sponsors and promoters of the event and all proprietary owners, partners and officers and directors of Applicant and said sponsors and promoters:
	Name: Butter Amusements, Tuc. Po Box 2210, Fairfield, CA. 94533
	Company/Organization Butler Amusements, Inc.
	Address: Po Box 2210
	City: Fair sield coll: State: CH Zip Code: 94533
	Office Phone: 707-439-478 Home: 707-3384786 Cell: Fax: 707-439-4787
	E-Mail: KByrum 2571 P AOL Com (Use separate sheet for additional sponsors)
	(1) + (1) + (1) + (1) + (1)
2.	Proposed event location in Milpitas: (rea) Mall - 747 (real Mall Drive (See Attached Diagram)
3.	All owners of real property where event is proposed to be neid:
	Name Creat Mall Address City/State/Zip Code
	the Mills Corporation Simon 447 Great Mall DR, Milpites, CA.
	% Arno Bobo, Specialty Leasing Manager
	H08-856-3385 or
•	(Use separate sheet for additional names) 408-945-483
4.	Days, dates, times of event: May 10-13,2007 Thursday - 4-108M,
	Friday 4-118m, Saturday 11AM-118M, Sanday Noon-118M
5.	Nature and type of event performances: Temporary (arnival May 10-13 2007 Rides Plus Came and Food Concessions
	Kides plus bame and food Concessions
6.	Intended Performers:
0.	
	Name/Group Nature of Participation
	the event consists of Amusement rides plus game and
	food Concessions, All staff except for a limited number
	(Use separate sheet for additional names)

SUBMIT COMPLETED FORM TO CITY CLERK

1.	Participants: 1200-1,500 which will attend the operating
	Workers: ho throughout The Grands Come
	Attendance Freeh Day 1200-1500
	Media: Media:
8.	Method for determining number in actual attendance and basis for estimate:
-	
	Using estimated tross revenue and then Figuring From Projected
9.	Proposed facilities for furnishing drinking water (justify adequacy): Water will be obtained
	from available hydrant or other close fotable water source
10 .	Atlatit 1.
10.	Proposed sanitary facilities (justify adequacy): Portable toilcts and unstralumpster will be utilized at the site
	Will be ullileca at the site
11.	Description of real property where event will occur (justify adequacy). Patting and at the
	Description of real property where event will occur (justify adequacy): Parking area at the Mall as depicted on the attached diagram
•	
12.	Description of parking facilities, including compliance with ADA, parking attendants at entrances, exits
	and within area (justify adequacy).
* .	Barting for the event will be in the regular mall farting
. :	areas
13.	Description of interior access ways (attach map or diagram and justify adequacy): the attached
	map shows the location for our setup - the malls roadways and
11	Parting lots are well designed for traffir flow
14.	Description of composition and construction of structure, seating arrangements and supports (justify
	adequacy): All rides are permitted after annual safety inspection
	by the state of California
15.	Description of availability and location of ambulances, fire, police and other emergency vehicles: <u>Ouv</u>
	Staff have cellphones and emergency vehicles routes to and
•	
16.	The first beauty brotognori proposed (lastify adequatory), W-1003 (3) 1
	frivate Security as we used at this event last year, that being-
	2 quards from opening until clasing on thursday Hamarde From
	6PM until Closing on triday Saturday and Sunday and I quard
	From 1-68m en Saturday and Sunday,

	and to unto the
17.	Description of provision for fire safety (justify adequacy): We have adequate up to date
	Fire extingushers throughout the entire Carulivalarea-generators and Food Concessions - all viny material used is all Flamer tarda
18.	
	Location, nature and type of medical and first aid facilities (justify adequacy): Dur office has a Firstaid kit and other emergency Communication is available
	<i>J</i> ,
19.	Description of proposed electrical wiring, lighting and location of all light standards and electrical
	switches: the carnival is powered by Portable generators and
	Temporary wiring is used lar electrical distribution boxes are
	or the provery
20.	Description of manner of acquiring, handling, preparing and disposing of food, drink, confectionery and $\alpha = \alpha$
	condiment and all substance and ingredients used in their preparation. <u>Firtuble Waste dumps</u>
	s available ousite as well as numerous other trash recepticles,
04	Description of manner of cleanup of the premises during and after the conclusion of the entertainment
21.	event and for the removal of garbage, refuse and waste: The event area has a Completo
	Cleanup at the conclusion of each business day and at event
	Canclusion
22.	Any additional helpful information useful to process your permit: this is the Same Type
	of event in the same location as we did twice last year
	Vier Company is now in its 36th year of operation, we have had
an e	tiellent record of doing business throughout the Bay area and letestern are under penalty of perjury that the above statements and any accompanying statements and United
l de	are under penalty of perjury that the above statements and any accompanying statements and white ments have been examined by me and are true and correct. I have read Chapter 5, Title III of the
Milp	as Municipal Code and agree to comply with the provisions of said Chapter 5, Title III, the permit, the
con	tions thereof and the laws of the City and State.
٠	Executed at Milpitas, California, on March 37, 2007.
	(Date)
loo	Apl. fee Paid. Signed:
√ #	Title: Vice President
	2/ /
	Received By: Mary Javelle Date: 127/67
	3/27/07
Perm	Approved By City Council: Date:
	Date:

BUTLER AMUSEMENTS, INC. CLEANEST SHOW IN THE WEST

Booking and Promotion Office

P.O. Box 2210 Fairfield, CA 94533-0220 (707) 429-4788 Fax (707) 429-4787

Office Locations: 1006 Travis Boulevard Fairfield, CA 94533-4920

Mary Lavelle City Clerk City of Milpitas 455 E Calaveras Blvd Milpitas, CA 95035

March 27, 2007

City Clark's Office

MAR 2 7 2007

RECEIVEL

Dear Mary:

This letter will serve as our request for approval to hold a carnival in Gibres scheduled for May 10-13, 2007 at the Great Mall in Milpitas, California. The proposed area is shown on the attached mall diagram.

Our proposed operating schedule is as follows: Thursday, 4PM to 10PM, Friday 4PM to 11PM, Saturday 11AM to 11PM, and Sunday, Noon to 11PM. The carnival will consist of approximately fifteen (15) amusements rides, approximately ten (10) game concessions and a food concession.

We do a cleanup of the entire carnival area after each day's operation as well as a final cleanup of the area prior to our departure. Butler Amusements is a highly qualified carnival company with 36 years experience serving major fairs in the western United States as well as major celebrations, shopping malls and other events. Our owner lives in Campbell. We have had experience operating in Milpitas. WE have operated carnivals at WalMart and the Mervyns Center on Calaveras Road as fund raising benefits for the Milpitas Rotary Club. In 2006 we also did two carnivals at this same proposed location at the Great Mall.

We will provide waste dumpsters and portable toilets for our use as well as the public. All necessary permits and licenses will be acquired prior to our operation.

The parking lot we will be using is very well lit. The area in the carnival zone will also have adequate lighting from rides and games. We will operate a cellular phone in our office area, which will allow emergency contact. Our supervisors carry portable radios at all times and have immediate contact with the base station located in our unit office. In the event of an emergency, they can contact someone near the phone and to get a quick response. We will provide adequate security for the event from a licensed private security firm or as otherwise stipulated by the Milpitas Police Department.

Butler Amusements will provide proof of liability insurance in the amount of \$5 million dollars naming all parties as required as additional insured.

Thank you for your cooperation and I hope this letter provides more insight into the details of our event.

Sincerel

Richard Byrum, Vice President

Butler Amusements, Inc.

FAIRS • CELEBRATIONS • AMUSEMENT RIDES FOR ALL OCCASIONS

www.butleramusements.com



March 27, 2007

Mary Lavelle City Clerk City of Milpitas 455 E. Calaveras Blvd. Milpitas, CA 95035

Re: Butler Amusement, Inc.

Dear Ms. Lavelle,

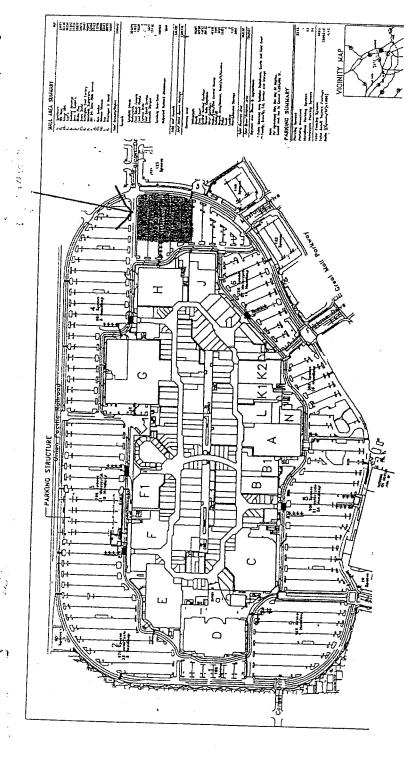
This letter is to inform the City of Milpitas that Butler Amusement, Inc. has been approved to hold a carnival, May 10 - May 13, 2007 at Great Mall. Set up for the event will commence on May 7, 2007 and will vacate the property on May 14, 2007. If you have any further questions, please do not hesitate to contact me at 408-945-4022, ext. 3392.

Sincerely,

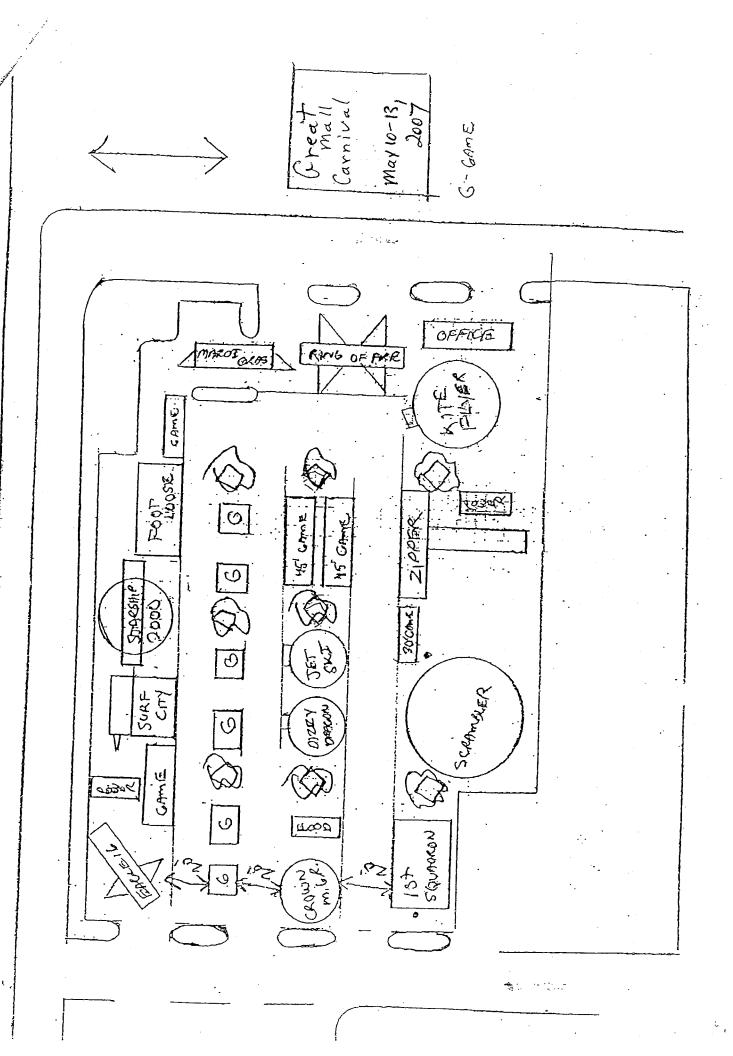
Arna Bobo

Specialty Leasing Manager

Great Mall



Great Mall Carnival



ACORD CERTIFICATE OF LIABILITY INSURANCE DATE (MM/DD/YYYY) 03/26/2007 PRODUCER (210)829-7634 FAX (210)829-7636 THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE Arthur J Gallagher Risk Management Services Inc HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR Kaliff Insurance, P.O. Box 171225 ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. San Antonio, TX 78217-8225 James Dillon INSURERS AFFORDING COVERAGE NAIC# INSURED BUTLER AMUSEMENTS, INC., EARL BUTLER INSURERA: Colony National Insurance Comp 3003 SW 153rd Dr INSURER B: SAFECO/American States Ins Co Suite 205 Beaverton, OR 97006 INSURER D INSURER E **COVERAGES** THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. POLICY EFFECTIVE POLICY EXPIRATION DATE (MM/DD/YY) TYPE OF INSURANCE POLICY NUMBER GENERAL LIABILITY ARS5360033 05/01/2006 05/01/2007 EACH OCCURRENCE 1,000,000 COMMERCIAL GENERAL LIABILITY DAMAGE TO RENTED \$ 50,000 PREMISES (Fa occurence CLAIMS MADE X OCCUR MED EXP (Any one person) **Excluded** Α Х BROAD FORM PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER PRODUCTS - COMP/OP AGG 1.000,000 Х POLICY AUTOMOBILE LIABILITY 01-CH-120962-10 05/01/2006 05/01/2007 COMBINED SINGLE LIMIT ANY AUTO (Ea accident) 1,000,000 ALL OWNED AUTOS **BODILY INJURY** \$ SCHEDULED AUTOS (Per person) В X HIRED AUTOS BODILY INJURY \$ NON-OWNED AUTOS PROPERTY DAMAGE (Per accident) GARAGE LIABILITY AUTO ONLY - EA ACCIDENT ANY AUTO EA ACC \$ OTHER THAN AUTO ONLY: AGG \$ EXCESS/UMBRELLA LIABILITY AE6460018 05/01/2006 05/01/2007 4,000,000 EACH OCCURRENCE X OCCUR CLAIMS MADE AGGREGATE \$ A \$ DEDUCTIBLE \$ RETENTION WORKERS COMPENSATION AND **EMPLOYERS' LIABILITY** E.L. EACH ACCIDENT ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? E.L. DISEASE - EA EMPLOYEE \$ If yes, describe under SPECIAL PROVISIONS below E.L. DISEASE - POLICY LIMIT | \$ OTHER DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS ADDITIONAL INSURED AS RESPECTS INSURED'S OPERATIONS AND FOR THE NEGLIGENCE OF INSURED ONLY: GREAT MALL OF THE BAY AREA: CITY OF MILPITAS CERTIFICATE HOLDER CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, CITY OF MILPITAS BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY ATTN: MARY LAVELLE

OF ANY KIND UPON T

Mitchell Kaliff

AUTHORIZED REPRESSATING LAUM

ACORD 25 (2001/08) FAX: (408) 586-3030

455 E. CALAVERAS BLVD

MILPITAS, CA 95035

©ACORD CORPORATION 1988

	For Office Use Only
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	<u>Engineering</u>
	<u>Finance</u>
	Fire Marshal
	Planning
	Police
	any department, explain why not, and what conditions applicant could change to tapproval for the event:
	BTAIN BLECTRICAL PERMIT FOR CHENERATOR
2. M	AINTAIN ACCESSIBLE PAPKING AVAILABLE
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cc: City Council

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For Office Use Only

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No Comment	Engineering 7355 +3-67
	Finance
	Fire Marshal
	Planning
	<u>Police</u>

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cc:

City Council

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For Office Use Only

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City Council

BUTLER

For Office Use Only

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MILPITAS FIRE DEPARTMENT

BUREAU OF FIRE PREVENTION

455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3365, FAX (408) 586-3378

MEMORANDUM

DATE:

April 9, 2007

TO:

Mary Lavelle, City Clerk

FROM:

Jaime Garcia

Cc:

Patricia Joki, Albert Zamora

SUBJECT:

CARNIVAL AT GREAT MALL

BY BUTLER AMUSEMENTS INC.

447 Great Mall Drive

NOTES TO APPLICANT

GENERAL REQUIREMENTS

- 1. Submitted information and drawings are not reviewed nor approved for fire permit(s). These notes are provided to assist with the Fire Department permit process.
- 2. A separate and independent permit is required from the Fire Department for each event. The permits shall be filed with the Milpitas Fire Prevention Division a minimum of two weeks prior to the event. A Fire Prevention Division application and the appropriate drawings (three sets) shall be filed with each application. Fire department permit is required to erect temporary membrane structures, tents or canopies. CFC Section 3203.
- 3. Plan review and inspection fees will apply for the fire permit process.
- 4. No approval for Hazardous Materials (use or handling) under this permit.
- 5. No vehicles are permitted within the event area.
- 6. Flammable-liquid-fuel equipment shall not be used within the event area. Flammable and combustible liquids shall be a minimum of 50 feet from the event area.
- 7. Candles or other open flame shall be not be used within the event area.
- 8. All exits from the event area shall provide clear and unobstructed access to a public way.

- 9. Smoking shall not be permitted in the event area. Approved "NO SMOKING" signs shall be conspicuously posted.
- 10. Fire apparatus access road with an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided to the event area. CFC (2001 California Fire Code) Sections 902.2.2.1. PROVIDE MINIMUM 20' CLEAR AISLE BETWEEN EVENT SETUPS.
- 11. Fire equipment and appliances (hydrants, fire department connection valves, etc) shall remain clear and unobstructed.
- 12. The maximum travel distance (from anywhere in the event area) to a portable fire extinguisher shall not exceed 75 feet. Fire extinguishers shall be provided throughout the site. Fire extinguishers shall be type 2-A:10-B:C. CFC Section 2504.2.3.2.
- 13. Provide additional fire extinguishers as follows: Provide at least one fire extinguisher for each kitchen, mess hall, power generator or transformer, and locations where flammable or combustible liquids are used, and as per the Fire Department inspector. Provide a 40-B:C (or K) rated dry chemical fire extinguisher shall be provided where deep-fat fryers are used. CFC Section 2504.3.3.
- 14. Cooking equipment shall be located a minimum of 10 feet from temporary membrane structures, tents, and canopies.
- 15. Outdoor cooking that produce sparks or grease-laden vapors shall not be performed within 20 feet of a non-cooking temporary membrane structure, tent, or canopy.
- 16. Generator(s) and other internal combustion power sources shall be separated from the event area a minimum of 20 feet and be isolated from contact with the public by fencing, enclosure or other approved means. A minimum of one fire extinguisher with a rating of not less than 2-A:10B:C shall be provided at the generator location. CFC Section 2504.4.4.
- 17. All electrical equipment and installation shall conform to the to the California Electrical Code. CFC 2504.2.4.
- 18. Concession stands utilized for cooking shall have a minimum of 10 feet of clearance on two sides and shall not be located within 10 feet of amusement rides or devices. CFC 2504.3.2.

TENT REQUIREMENTS

- 1. Non-fire-retardant tents and canopies and membrane structures. No permit is granted with this review for tents and membrane structures over 200 square feet and canopies over 400 square feet. CFC Section 3201.
- 2. Tents, membrane structures and canopies over the specified sizes noted above shall be of flame-retardant materials. The sidewalls, drops, and tops of all tents, and canopies shall be of

flame-retardant materials or shall be made flame retardant in an approved manner. Certificates of flame resistance shall be made available upon request. CFC Section 3207.

- 3. Temporary membrane structures, tents and canopies shall not be located within 20 feet of property lines, buildings, temporary membrane structures, other tents an canopies, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guywires shall be considered as part of the temporary membrane structure, tent or canopy. Section 3205.2 CFC
- 4. The grounds outside and adjacent to or within 30 feet of temporary membrane structures, tents, and canopies shall be kept free and clear of combustible wastes. Such wastes shall be stored in approved containers until removed from the premises. Section 3221.4 CFC
- 5. Temporary membrane structures, tents, and canopies and their appurtenances shall be adequately braced and anchored to prevent weather-related collapse. Documentation of structural stability shall be furnished to the Fire Chief upon request. Section 3206.1 CFC
- 6. Temporary membrane structures, tents, and canopies shall have a permanently-affixed label bearing the following information (3207, CFC):
 - a. Identification of temporary membrane structure, tent, or canopy, size and fabric or material type;
 - b. For flame-resistant materials, necessary information to determine compliance with this standard;
 - c. For flame-retardant treated materials, the date that the temporary structure, tent, or canopy and other combustible materials were last treated with an approved flame retardant;
 - d. The trade name and type of flame retardant utilized in the flame-retardant treatment;
 - e. The names of the person and firm that applied the flame retardant.
- 7. Smoke shall not be permitted in any temporary membrane structure, tent or canopy, or in any adjacent areas where hay, straw, or any other combustible materials are stored or used unless approved by the Fire Marshal. Approved "NO SMOKING" signs shall be conspicuously posted. Section 3215.1 CFC
- 8. Cooking and heating equipment is not permitted within tents.

PPROVED	DEPARTMENT		BY (Name	& Phone Ex	<u>(t.)</u>		DATE
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16/07	Planning		Alon			· .	4/6/57
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City Council

cc:

MEMORAND UM

Planning Division

To:

Mary Lavelle

Through: Felix Reliford

From:

Cindy Hom, Jr. Planner

Date:

April 6, 2007

Subject: P-AD2007-6 - Application for Entertainment Permit for Carnival at Great Mall

The Planning Division has reviewed the Entertainment Permit for the Great Mall Carnival in the southern portion of the parking lot at the Great Mall Parking lot near Falcon Drive and the outer ring road. This event is approved subject to the following conditions:

1. The carnival is permitted to occur from May 10, 2007 – May 13, 2007 during the following hours:

Thursday 4:00PM - 10:00PM

Friday 4:00PM – 11:00PM

Saturday 11:00AM-11:00PM

Sunday 12:00PM - 11:00PM

- 2. The event setup is approved to begin on May 7, 2007 and tear down to be completed by May 14, 2007 where all area and properties involved shall be restored to their previous condition.
- 3. The approved event area is limited to Great Mall parking lot located south of Anchors H and J, near Falcon Drive and the outer ring road as depicted on the site plan.
- The event shall be conducted in a manner that pedestrian traffic or vehicular traffic does not impede the normal and customary use of the driveways, designated walkways and parking areas adjacent to event area. Handicapped parking facilities, access and pathways outside the event area shall be kept clear and unobstructed.
- 5. Booths, stages, seats and other structures shall not obstruct pedestrian access and pathways within the enclosed event area.
- 6. Trash and recycling receptacles shall be provided and maintained throughout the event area. The applicant must contact Richard Su at BFI at (408) 432-1234 for temporary trash and recycling services and bins for the duration of the event. The bins shall be located at the rear of the event site, not visible from public view and not within any pedestrian or vehicular paths. The applicant may need to contact a Great Mall representative in order to establish a temporary BFI account on the Great Mall property.
- 7. Applicant shall protect storm drains from accidental discharges by providing site sweeping and clean up on an on-going basis during all hours of operation by the event operator and its employees (Butler Entertainment) and the property owners (The Mills Corporation), including refuse, debris, spills, and trash pick up by BFI.
- 8. No off site signage is permitted. Any onsite signage associated with the event shall be limited to carnival booth signs and traffic/pedestrian directional signage. Upon cessation the event all associated signage shall be removed and properly disposed of.



9. Any violation of the conditions of approval may result in the revocation of the Entertainment Permit and shall require the event to cease operations immediately.

SUTLER

		For Office Use Only	, -
PPROVED	DEPARTMENT	BY (Name & Phone Ext.)	DATE
	Building City Manager		
	Engineering		
	Finance		
	Fire Marshal Planning		
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